

NEW HAMPSHIRE EXECUTIVE BRANCH

ETHICS COMMITTEE

**OFFICE OF THE ATTORNEY GENERAL
ROOM 302**

**February 21, 2007
8:00 AM**

Meeting called to order by Dale Kuehne, in the absence of Chair David Nixon.

Present: John Barthlemes, John Blair, Dale Kuehne, Douglas O'Brien, and Deborah Schachter.

Absent: Patricia Quigley and David Nixon

Also Present: New Hampshire Deputy Attorney General, Bud Fitch

- The minutes of the February 7th meeting were reviewed and approved.
- Bud Fitch circulated copies of the final drafts of the following advisory opinions:

Advisory Opinion 2007-001

May a member of a professional licensing or regulatory board/commission who is a member of the regulated profession or who is otherwise subject to the regulations set by the board/commission vote on the adoption of such regulations without violating the conflict of interest prohibition of RSA 21-G:22?

Advisory Opinion 2007-002

May a Department solicit sponsorship from regulated companies/persons for training to be conducted by the State?

Advisory Opinion 2007-003

May a state employee who has earned frequent flyer mileage as a result of state reimbursed travel use the benefit for personal purposes?

Advisory Opinion 2007-004

Is it acceptable for a public official or a state employee to use Department/Agency letterhead to send an employment reference for a person who was not employed by, and who has not done work for, the Department/Agency?

Advisory Opinion 2007-005

May a state employee accept free transportation to an event that the employee is attending in his or her official capacity from a person who is employed by an entity regulated by his or her agency?

Advisory Opinion 2007-006

An employee of the state has agreed to accept employment with a private corporation. That employment will begin in several months and the employee will remain in his or her state employment during that period of time. The future employer responded to a Request for Proposals (“RFP”) issued by the employee’s Department/Agency. The employee was not involved in the issuing or evaluating of the RFP. The future employer has been awarded the contract. The departing state employee will recuse himself or herself from any contract administration and does not expect to work on the state contract after beginning employment with the corporation. Has the employee satisfied all requirements of the ethics law?

Advisory Opinion 2007-007

Are members of a statutorily established executive branch advisory commission who are not appointed by the Governor, Governor and Executive Council, the President of the Senate, or the Speaker of the House required to file a statement of financial interest?

Consideration was deferred on these seven opinions until all committee members can review them. A discussion of these will be held at the next meeting.

- Bud Fitch circulated copies of the Legislative history that were requested by the committee.
- Deborah Schachter led a discussion on:

Draft Opinion 2007-20

May a Board or Commission member receive compensation for teaching seminars that persons subject to the regulation of the Board or Commission are required to attend?

Dale Kuehne made a motion to adopt the response. Don O'Brien seconded the motion. Discussion ensued regarding recusals and it was decided that Deborah Schachter would draft an additional sentence concerning recusals for review at the next meeting.

- Matters deferred until the next meeting included the finalization and issuance of Opinions 2007-01 through 2007-07; discussion of Draft Opinions 2006-21 through 2006-25; review of the Complaint Form to be used in filing complaints with the committee; and review of the Draft Action Plan for future opinions.
- A motion to adjourn the meeting was made by Doug O'Brien at 8:45 am. Seconded by John Blair.

Respectfully Submitted

Patricia C. Booher

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Recording Secretary